IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2101 of 2005

Between:

Smt.K.Sharada, W/o.Sri Satya Rao,
R/o.Potharam (V), Mallaiah Mandal,
Karimnagar District.

..... PETITIONER

AND

The Executive officer, Sri Anjaneya Swamy Devasthanam, Kondagattu

(V), Mallial Mandal, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ in the nature of writ of certiorari calling for the records relating to the impugned proceedings issued by the respondent in Rc.No.23/ 2004, dated 29-01-2005 contemplating to conduct a public auction of the lease-hold rights for STD Booth on 11-02-2005 as illegal, arbitrary and violation of principles of natural justice and the petitioner herein prays that the same may be quashed and pass such other order or orders as the Hon'ble court may deem fit and proper.

Counsel for the Petitioner:MR.M.VIDYASAGAR

Counsel for the Respondent.: Mr. K. RAvi

The Court at the stage of admission made the following ORDER

The petitioner was accorded permission to establish an STD booth nearby Sri Anjaneya Swamy Devasthanam, Kondagattu village of Karimnagar district, in the year 1998, by the Commissioner of Endowments. The Devasthanam issued a tender notice dated 29.01.2005 proposing to accord permission to establish two STD booths for a period of one year from 01.03.2005 to 28.02.2006. The petitioner challenges the same and seeks a direction to the effect that her right shall not be affected on account of this notification.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

It is true that the petitioner was accorded permission to establish an STD booth in the year 1998. The rent was fixed at Rs.50/- per month. The duration of the permission was only one year. Therefore, she cannot be said to be holding any vested right to be continued as licencee.

The best way of granting leases or licences in respect of the properties belonging to temples is by conducting auctions. The respondent has proposed to do exactly the same. The petitioner is not able to point out any legal defect in it.

Inasmuch as the petitioner is continuing as a licencee from the year 1998, she can be continued, in case she is willing to pay marginally a higher amount than what is fetched in the auction.

Hence, the writ petition is disposed of directing that it shall be open to the petitioner to participate in the auction to be conducted in pursuance of the impugned notification. In case, the petitioner emerges as the highest bidder, she shall be granted the licence afresh. On the other hand, if any third party emerges as the highest bidder and if the petitioner is willing to pay Rs.50/- more than what is fetched in the auction, she shall be granted licence at the same terms. There shall be no order as to costs.

09.02.2005

Note:

Issue CC in three days.

(BO)

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To

The Executive officer, Sri Anjaneya Swamy Devasthanam, Kondagattu (V), Mallaial Mandal, Karimnagar District.

2 Two CD copies.